
By: **Delegate Rudolph**

Introduced and read first time: February 13, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations Boards - Misdemeanor Offenses - Delegation of**
3 **Authority, Fines, and Penalties**

4 FOR the purpose of requiring certain prosecutions to be instituted within a certain
5 period of time; authorizing certain chairmen and presidents of health
6 occupations boards to delegate a certain authority to conduct a certain hearing
7 to a certain committee; requiring certain committees to hold an evidentiary
8 hearing and prepare a certain decision; requiring certain committees to give
9 certain notice of the opportunity to file certain exceptions and present certain
10 arguments; altering certain criminal penalties; providing for a certain civil
11 penalty; requiring certain individuals to pay certain costs; requiring the State
12 Board of Physical Therapy Examiners to pay certain fines into a certain fund;
13 and generally relating to health occupations boards.

14 BY renumbering

15 Article - Health Occupations
16 Section 1A-310(d), (e), and (f), 2-315(d), 3-315(d) through (g), 4-318(f), (g), and
17 (h), 7-319(d) through (g), 8-317(e), (f), and (g), 9-315(c), (d), and (e),
18 11-315(d) and (e), 12-315(g), (h), and (i), 12-411(c), 16-313(d) through (g),
19 17-314(e) and (f), 18-315(e), (f), and (g), and 19-312(c) through (f),
20 respectively
21 to be Section 1A-310(e), (f), and (g), 2-315(e), 3-315(e) through (h), 4-318(g),
22 (h), and (i), 7-319(e) through (h), 8-317(f), (g), and (h), 9-315(d), (e), and
23 (f), 11-315(e) and (f), 12-315(h), (i), and (j), 12-411(d), 16-313(e) through
24 (h), 17-314(f) and (g), 18-315(f), (g), and (h), and 19-312(d) through (g),
25 respectively
26 Annotated Code of Maryland
27 (2000 Replacement Volume and 2003 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article - Courts and Judicial Proceedings
30 Section 5-106(s)
31 Annotated Code of Maryland
32 (2002 Replacement Volume and 2003 Supplement)

1 BY repealing

2 Article - Courts and Judicial Proceedings
 3 Section 5-106(y)
 4 Annotated Code of Maryland
 5 (2002 Replacement Volume and 2003 Supplement)

6 BY adding to

7 Article - Health Occupations
 8 Section 1A-310(d), 2-315(d) and (f), 3-315(d) and (i), 4-318(f) and (j), 7-319(d),
 9 8-317(e), 9-315(c) and (g), 10-316(i), 11-315(d) and (g), 12-315(g) and (k),
 10 12-411(c) and (e), 13-317(h), 16-313(d), 17-314(e) and (h), 18-315(e) and
 11 (i), and 19-312(c)
 12 Annotated Code of Maryland
 13 (2000 Replacement Volume and 2003 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article - Health Occupations
 16 Section 1A-403, 2-408, 3-506(a), 4-606, 7-508, 10-407, 11-505, 12-707(a) and
 17 (b), 13-407, 17-402(a), 18-404, and 19-407
 18 Annotated Code of Maryland
 19 (2000 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That Section(s) 1A-310(d), (e), and (f), 2-315(d), 3-315(d) through (g),
 22 4-318(f), (g), and (h), 7-319(d) through (g), 8-317(e), (f), and (g), 9-315(c), (d), and (e),
 23 11-315(d) and (e), 12-315(g), (h), and (i), 12-411(c), 16-313(d) through (g), 17-314(e)
 24 and (f), 18-315(e), (f), and (g), and 19-312(c) through (f), respectively, of Article -
 25 Health Occupations of the Annotated Code of Maryland be renumbered to be
 26 Section(s) 1A-310(e), (f), and (g), 2-315(e), 3-315(e) through (h), 4-318(g), (h), and (i),
 27 7-319(e) through (h), 8-317(f), (g), and (h), 9-315(d), (e), and (f), 11-315(e) and (f),
 28 12-315(h), (i), and (j), 12-411(d), 16-313(e) through (h), 17-314(f) and (g), 18-315(f),
 29 (g), and (h), and 19-312(d) through (g), respectively.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 31 read as follows:

32 **Article - Courts and Judicial Proceedings**

33 5-106.

34 (s) A prosecution for [an] A MISDEMEANOR offense under [§ 14-601 of] the
 35 Health Occupations Article [of practicing, attempting to practice, or offering to
 36 practice medicine without a license] shall be instituted within 3 years after the
 37 offense was committed.

1 [(y) A prosecution for a misdemeanor offense under Title 9 of the Health
2 Occupations Article shall be instituted within 3 years after the offense was
3 committed.]

4

Article - Health Occupations

5 1A-310.

6 (D) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
7 10-205 OF THE STATE GOVERNMENT ARTICLE, THE CHAIRMAN OF THE BOARD MAY
8 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
9 OF THREE OR MORE BOARD MEMBERS.

10 (2) THE COMMITTEE SHALL:

11 (I) HOLD AN EVIDENTIARY HEARING; AND

12 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
13 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

14 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
15 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
16 REGARDING THE DECISION OF THE COMMITTEE.

17 1A-403.

18 A person who violates any provision of this subtitle is guilty of a misdemeanor
19 and on conviction is subject to a fine not exceeding [\$1,000] \$5,000 or imprisonment
20 not exceeding [1 year] 3 YEARS or both.

21 2-315.

22 (D) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
23 10-205 OF THE STATE GOVERNMENT ARTICLE, THE CHAIRMAN OF THE BOARD MAY
24 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
25 OF THREE OR MORE BOARD MEMBERS.

26 (2) THE COMMITTEE SHALL:

27 (I) HOLD AN EVIDENTIARY HEARING; AND

28 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
29 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

30 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
31 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
32 REGARDING THE DECISION OF THE COMMITTEE.

1 (F) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF §§ 2-314
2 THROUGH 2-314.7 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF
3 THE HEARING AS SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

4 2-408.

5 A person who violates any provision of this title is guilty of a misdemeanor and
6 on conviction is subject to a fine not exceeding [\$500] \$5,000 or imprisonment not
7 exceeding [90 days] 3 YEARS or both.

8 3-315.

9 (D) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
10 10-205 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE BOARD MAY
11 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
12 OF THREE OR MORE BOARD MEMBERS.

13 (2) THE COMMITTEE SHALL:

14 (I) HOLD AN EVIDENTIARY HEARING; AND

15 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
16 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

17 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
18 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
19 REGARDING THE DECISION OF THE COMMITTEE.

20 (I) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF § 3-313
21 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS
22 SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

23 3-506.

24 (a) A person who practices or attempts to practice chiropractic without a
25 license in violation of § 3-501 of this subtitle or represents to the public in violation of
26 § 3-502 of this subtitle that the person is authorized to practice chiropractic is guilty
27 of a misdemeanor and on conviction is subject to:

28 (1) For a first offense, a fine not exceeding [\$2,000] \$5,000 or
29 imprisonment not exceeding [6 months] 3 YEARS; or

30 (2) For a subsequent offense, a fine not exceeding [\$6,000] \$10,000 or
31 imprisonment not exceeding [1 year] 3 YEARS.

32 4-318.

33 (F) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
34 10-205 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE BOARD MAY
35 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
36 OF THREE OR MORE BOARD MEMBERS.

1 (2) THE COMMITTEE SHALL:

2 (I) HOLD AN EVIDENTIARY HEARING; AND

3 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
4 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

5 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
6 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
7 REGARDING THE DECISION OF THE COMMITTEE.

8 (J) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF § 4-315
9 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS
10 SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

11 4-606.

12 (a) A person who practices or attempts to practice dentistry without a license
13 in violation of § 4-601(a) of this subtitle or represents to the public in violation of §
14 4-602 of this subtitle that the person is authorized to practice dentistry is guilty of a
15 misdemeanor and on conviction is subject to:

16 (1) For a first offense, a fine not exceeding [~~\$2,000~~] \$5,000 or
17 imprisonment in jail not exceeding [~~6 months~~] 3 YEARS; or

18 (2) For a subsequent offense, a fine not exceeding \$6,000 or
19 imprisonment in the State penitentiary not exceeding [1 year] 3 YEARS.

20 (b) A person who practices or attempts to practice dental hygiene without a
21 license in violation of § 4-601(a) of this subtitle, aids or abets unauthorized practice of
22 dental hygiene in violation of § 4-601(b) of this subtitle, or represents to the public in
23 violation of § 4-602 of this subtitle that the person is authorized to practice dental
24 hygiene is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
25 [~~\$1,000~~] \$5,000.

26 (c) A person who violates any provision of Subtitle 4 of this title, which relates
27 to dental laboratory work, or who advertises a dental appliance in violation of §
28 4-503(c) of this title is guilty of a misdemeanor and on conviction is subject to a fine
29 not exceeding [~~\$2,000~~] \$5,000 or imprisonment in jail not exceeding [6 months] 3
30 YEARS.

31 7-319.

32 (D) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
33 10-205 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE BOARD MAY
34 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
35 OF THREE OR MORE BOARD MEMBERS.

36 (2) THE COMMITTEE SHALL:

1 (I) HOLD AN EVIDENTIARY HEARING; AND

2 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
3 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

4 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
5 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
6 REGARDING THE DECISION OF THE COMMITTEE.

7 7-508.

8 A person who violates any provision of this title is guilty of a misdemeanor and
9 on conviction is subject to a fine not exceeding [\$500] \$5,000 or imprisonment not
10 exceeding [1 year] 3 YEARS or both.

11 8-317.

12 (E) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
13 10-205 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE BOARD MAY
14 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
15 OF THREE OR MORE BOARD MEMBERS.

16 (2) THE COMMITTEE SHALL:

17 (I) HOLD AN EVIDENTIARY HEARING; AND

18 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
19 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

20 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
21 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
22 REGARDING THE DECISION OF THE COMMITTEE.

23 9-315.

24 (C) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
25 10-205 OF THE STATE GOVERNMENT ARTICLE, THE CHAIRMAN OF THE BOARD MAY
26 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
27 OF THREE OR MORE BOARD MEMBERS.

28 (2) THE COMMITTEE SHALL:

29 (I) HOLD AN EVIDENTIARY HEARING; AND

30 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
31 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

32 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
33 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
34 REGARDING THE DECISION OF THE COMMITTEE.

1 (G) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF § 9-314
2 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS
3 SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

4 10-316.

5 (I) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF § 10-315
6 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS
7 SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

8 10-407.

9 A person who violates any provision of this subtitle is guilty of a misdemeanor
10 and on conviction is subject to a fine not exceeding [\$1,000] \$5,000 or imprisonment
11 not exceeding [1 year] 3 YEARS or both.

12 11-315.

13 (D) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
14 10-205 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE BOARD MAY
15 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
16 OF THREE OR MORE BOARD MEMBERS.

17 (2) THE COMMITTEE SHALL:

18 (I) HOLD AN EVIDENTIARY HEARING; AND

19 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
20 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

21 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
22 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
23 REGARDING THE DECISION OF THE COMMITTEE.

24 (G) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF § 11-313
25 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS
26 SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

27 11-505.

28 A person who violates any provision of this title is guilty of a misdemeanor and
29 on conviction is subject to a fine not exceeding [\$500] \$5,000 or imprisonment not
30 exceeding [6 months] 3 YEARS or both.

31 12-315.

32 (G) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
33 10-205 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE BOARD MAY
34 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
35 OF THREE OR MORE BOARD MEMBERS.

1 (2) THE COMMITTEE SHALL:

2 (I) HOLD AN EVIDENTIARY HEARING; AND

3 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
4 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

5 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
6 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
7 REGARDING THE DECISION OF THE COMMITTEE.

8 (K) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF § 12-313
9 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS
10 SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

11 12-411.

12 (C) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
13 10-205 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE BOARD MAY
14 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
15 OF THREE OR MORE BOARD MEMBERS.

16 (2) THE COMMITTEE SHALL:

17 (I) HOLD AN EVIDENTIARY HEARING; AND

18 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
19 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

20 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
21 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
22 REGARDING THE DECISION OF THE COMMITTEE.

23 (E) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF § 12-409
24 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS
25 SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

26 12-707.

27 (a) A person who violates any provision of the following subtitles or sections of
28 this title is guilty of a misdemeanor and on conviction is subject to a fine not
29 exceeding [~~\$1,000~~] \$5,000:

30 (1) § 12-311 ("Display of licenses");

31 (2) Subtitle 4 ("Pharmacy permits");

32 (3) § 12-502(b) ("Pharmaceutical information");

33 (4) § 12-505 ("Labeling requirements for prescription medicines"); and

1 (5) § 12-604 ("General power to inspect drugs, devices, and other
2 products").

3 (b) A person who violates any provision of the following sections of this title is
4 guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\$1,000]
5 \$5,000 or imprisonment not exceeding [1 year] 3 YEARS or both:

6 (1) § 12-602 ("Distribution permits");

7 (2) § 12-701 ("Practicing pharmacy without license");

8 (3) § 12-702 ("License obtained by false representation");

9 (4) § 12-703 ("Operating a pharmacy without permit"); and

10 (5) § 12-704 ("Misrepresentations").

11 13-317.

12 (H) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF § 13-316
13 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS
14 SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

15 13-407.

16 (A) A person who violates any provision of this title is guilty of a misdemeanor
17 and on conviction is subject to a fine not exceeding [\$1,000] \$5,000 OR
18 IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

19 (B) (1) A PERSON WHO VIOLATES § 13-401 OF THIS SUBTITLE IS SUBJECT TO
20 A CIVIL FINE NOT EXCEEDING \$50,000 AS ASSESSED BY THE BOARD.

21 (2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS
22 SUBSECTION INTO THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS FUND.

23 16-313.

24 (D) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
25 10-205 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE BOARD MAY
26 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
27 OF THREE OR MORE BOARD MEMBERS.

28 (2) THE COMMITTEE SHALL:

29 (I) HOLD AN EVIDENTIARY HEARING; AND

30 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
31 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

1 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
2 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
3 REGARDING THE DECISION OF THE COMMITTEE.

4 17-314.

5 (E) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
6 10-205 OF THE STATE GOVERNMENT ARTICLE, THE CHAIRMAN OF THE BOARD MAY
7 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
8 OF THREE OR MORE BOARD MEMBERS.

9 (2) THE COMMITTEE SHALL:

10 (I) HOLD AN EVIDENTIARY HEARING; AND

11 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
12 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

13 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
14 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
15 REGARDING THE DECISION OF THE COMMITTEE.

16 (H) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF § 17-313
17 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS
18 SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

19 17-402.

20 (a) Any person who violates any provision of § 17-401 of this subtitle is guilty
21 of a misdemeanor and on conviction is subject to a fine not exceeding [\$500] \$5,000 or
22 imprisonment not exceeding [6 months] 3 YEARS or both.

23 18-315.

24 (E) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
25 10-205 OF THE STATE GOVERNMENT ARTICLE, THE CHAIRMAN OF THE BOARD MAY
26 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
27 OF THREE OR MORE BOARD MEMBERS.

28 (2) THE COMMITTEE SHALL:

29 (I) HOLD AN EVIDENTIARY HEARING; AND

30 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
31 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

32 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
33 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
34 REGARDING THE DECISION OF THE COMMITTEE.

1 (I) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF § 18-313
2 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS
3 SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

4 18-404.

5 A person who violates any provision of this subtitle is guilty of a misdemeanor
6 and on conviction is subject to a fine not exceeding [\$500] \$5,000 or imprisonment [in
7 jail] not exceeding [6 months] 3 YEARS or both.

8 19-312.

9 (C) (1) IN ADDITION TO ANY DELEGATION AUTHORITY PROVIDED UNDER §
10 10-205 OF THE STATE GOVERNMENT ARTICLE, THE CHAIRMAN OF THE BOARD MAY
11 DELEGATE THE AUTHORITY TO CONDUCT A HEARING TO A COMMITTEE CONSISTING
12 OF THREE OR MORE BOARD MEMBERS.

13 (2) THE COMMITTEE SHALL:

14 (I) HOLD AN EVIDENTIARY HEARING; AND

15 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
16 A QUORUM OF THE BOARD WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

17 (3) THE COMMITTEE SHALL GIVE EACH PARTY NOTICE OF THE
18 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
19 REGARDING THE DECISION OF THE COMMITTEE.

20 19-407.

21 A person who violates any provision of this subtitle is guilty of a misdemeanor
22 and on conviction is subject to a fine not exceeding [\$500] \$5,000 or imprisonment not
23 exceeding [90 days] 3 YEARS.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2004.